

REMARKS

Applicants have carefully considered the Final Office Action dated February 4, 2004, and the references cited therein. Applicants respectfully submit that this Amendment places the application in condition for allowance, and therefore, entry of this amendment and allowance of the application are respectfully requested.

Applicants have cancelled without prejudice Claims 2, 16, 21, and 25 and added new Claims 26-30. Accordingly Claim 1, 3-15, 17-20, 22-24, and 26-30 are presented for consideration.

Claims 17-20, 22 and 23 have been deemed allowable. However, Applicant has amended Claim 17 to add a comma for grammatical purposes. Claims 2, 8, 24 and 25 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants gratefully acknowledge this indication of allowable subject matter.

Applicants have amended Claim 1 to include the elements of Claim 2, and therefore, have cancelled Claim 2. As Claim 2 is deemed to contain allowable subject matter, Applicants respectfully submit that amended Claim 1 and those claims depending therefrom, Claims 3-9, are in condition for allowance.

The Examiner has indicated that Claim 8, which depends from Claim 1, was deemed allowable if rewritten in independent form. Accordingly Applicants have rewritten Claim 8 in independent form as new Claim 26. Accordingly, Applicants respectfully submit that Claim 26 is allowable.

Claim 25, which depends from Claim 10, has been deemed to contain allowable subject matter. Accordingly, Applicants have amended original Claim 10 to include the elements of Claim 25. Therefore, Applicants have cancelled Claim 25. Accordingly,

amended Claim 10, and those claims depending therefrom, are respectfully submitted to be allowable.

With regard to Claim 15, Applicants amended this claim to define the first and second channel members as having the same cross-sectional profile. Therefore, Claim 16 has been cancelled. As the Examiner has noted in the reasons for allowance, if the prior art channel members were the same profile, the members could not be inserted within each other. Applicants submit that such a modification would make the prior art devices inoperable. Therefore, amended Claim 15 is urged to be allowable.

With regard to Claim 24, the Examiner has indicated that this claim would be allowable if rewritten in independent form. Applicants have added a new independent Claim 27 which includes the features of original Claim 1 and Claim 24. Therefore, Applicants respectfully submit that Claim 27 is allowable.

In the Office Action, Claims 11 and 12 were rejected under 35 U.S.C. §103 as being unpatentable over U.S. Patent No. 5,044,582 to Walters in view of U.S. Patent No. 5,803,653 to Zuffetti and 4,909,405 to Kerr Jr. and further in view of U.S. Patent No. Des. 395,916 to Colodny. While Walters, Kerr and Zuffetti have been cited for the basic inventive concept, the Examiner concedes "that they do not show wherein the first channel member includes a first and second space side wall extending over a connecting wall to define a channel, the first side wall including one of the plurality of apertures formed therein and wherein the first channel member second side wall includes a second and third of the plurality of apertures formed therein." In order to establish this missing feature, the Examiner has cited Colodny. Colodny discloses a bracket having L-shaped structures secured to each end of a central elongate member.

Applicants have added a new Claim 28, which is directed to a hanger bar assembly and generally includes the elements of originals Claims 10 and 11. Applicants respectfully submit that the cited combination does not teach or suggest each of the elements set forth in Claim 28.

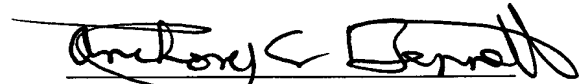
Claim 28 defines a first and second channel member each having a plurality of apertures integrally formed therein. The claim further defines the first channel member as including a longitudinally extending first and second spaced side walls extending from a connecting wall to define a longitudinally extending channel. The first side wall including one of said plurality of apertures formed therein. The claim further defines a pair of end plates attached to opposite ends of the support bar by a plurality of fasteners extending into the plurality of apertures.

In contrast, Colodny does not disclose forming an aperture for securing an end plate in the longitudinally extending sidewalls which define a longitudinally extending channel. As shown in Figure 3, the longitudinally extending sidewalls of Colodny are relatively thin structures which would not support the forming of an aperture. Instead, it appears from the Figures that end flap-type structures are used to secure the end brackets as shown in Figures 3 and 4. Accordingly, Colodny teaches away from using the sidewalls, by teaching the use of an additional flap. The Colodny solution requires an additional step of forming the end flap and bending it into a proper position. In addition, attaching an end bracket to this flap would not be as strong as securing it to the longitudinally extending sidewalls themselves. Applicants, therefore, respectfully urge that Claim 28 distinguishes over the references of record and is allowable thereover.

Applicant have also added new claims 29 and 30 which depend from new Claim 28. Claim 29 defines the first channel member second side wall as including a second and a third of the plurality of apertures formed therein. As set forth above, none of the cited art teaches or suggest forming endplate securing apertures in the longitudinally extending sidewalls which form a longitudinally extending channel.

In light of the comments and amendments set forth above, Applicants respectfully request favorable consideration of amended Claims 1, 10, 15, 17, and 20, new Claims 26-30 and allowance of the application with Claims 1, 3-24, 26-30. If the Examiner believes that a telephone interview would be helpful in moving this case toward allowance, she is respectfully invited to contact Applicant's attorney at the telephone number set forth below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Anthony E. Bennett", written over a horizontal line.

Anthony E. Bennett
Registration No.: 40,910
Attorney for Applicant(s)

HOFFMANN & BARON, LLP
6900 Jericho Turnpike
Syosset, New York 11791
(516) 822-3550
AEB:jlw/nr
188256_1